

REMARKS/ARGUMENTS

The claims are 1, 3, 4 and 6. Claim 1 has been amended to better define the invention, and claims 3 and 4 have been amended to improve their form. Support for the claims may be found, *inter alia*, in the disclosure at page 3, second full paragraph, and the paragraph bridging pages 7-8. Reconsideration is expressly requested.

Claims 1, 3, and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller U.S. Patent No. 2,764,783* in view of *Beasley U.S. Patent No. 6,148,568* and *Ray U.S. Patent No. 5,365,704*. The remaining claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Teller, Beasley, and Ray* and further in view of *Gilbert U.S. Patent No. 2,182,757*.

The Examiner took the position that making the outer diameter of the annular region limited to a maximal rotation speed of 2.5 cm/sec in order to make the annular region not rotate too fast amounts to a change in the size/proportion or dimensions that does not constitute a patentable difference over the prior art. The

Examiner also took the position that the claims do not recite the feature that the rotating ring segments are designed to be used during permanent rotation and therefore this feature need not be considered by the Examiner. In the Examiner's view, both Teller and Beasley disclose rotating annular regions which rotate at a rotational speed that is a function of the size of the annular region to be rotated, the weight, etc. Therefore, according to the Examiner it would be well within the knowledge of one of ordinary skill in the art to maximize rotational speed of a rotating annular region.

In response, Applicant has amended claim 1 to better define the invention. In amended claim 1, the feature of the maximum rotational speed at 2.5 cm/sec has been replaced by the feature that the annular region is "set into horizontal rotational movement via drives during use of annular regions by customers" as disclosed in the last two lines on page 7 of Applicant's disclosure. This feature specifies that the rotating ring segments are designed to be used during permanent rotation. In addition, amended claim 1 specifies that the ring segments are "able to be removed individually in the vertical direction" as

disclosed on page 3, second full paragraph, of Applicant's disclosure.

It is respectfully submitted that the foregoing amendments distinguishes claim 1, as amended, from the prior art, and Applicant respectfully traverses the Examiner's rejection for the following reasons.

The Examiner has taken the position that Beasley discloses an annular region divided into ring segments 22. See FIG. 12 of Beasley. It is respectfully submitted that the partition of "floor surface 14" of Beasley is due to "wall segments 16" (see FIG. 1 and column 4, lines 3-6 of Beasley), so that "floor surface 14" remains an integral structural element which would not allow for an independent vertical movement of single elements of "floor surface 14". This partition, thus, does not constitute ring segments as recited in Applicant's claim 1 as amended, i.e., as being vertically movable independent from each other. Therefore, even if Beasley discloses ring segments as asserted by the Examiner, Beasley would still fail to disclose or suggest that

these ring segments would be "able to be moved individually in the vertical direction".

Consequently, even if one combines *Teller*, *Ray* and *Beasley* as suggested by the Examiner, one would still not achieve a presentation area having an outer sales and presentation region and an inner sales and presentation region being arranged in such a way that an essentially annular region is defined between said outer sales and presentation region and said inner sales and presentation region that is divided into ring segments able to be moved individually in the vertical direction as recited in Applicant's claim 1 as amended.

In addition, none of *Teller*, *Beasley*, or *Ray* actually disclose a sales and presentation area. Although the Examiner has taken the position that *Teller* is "capable of performing this intended use", it is respectfully submitted that such capability can not render obvious Applicant's sales and presentation area as recited in claim 1, as amended, because there is no **suggestion** from *Teller* (or from *Ray* and *Beasley* as combined by the Examiner) of this intended use. In other words, the issue is not whether

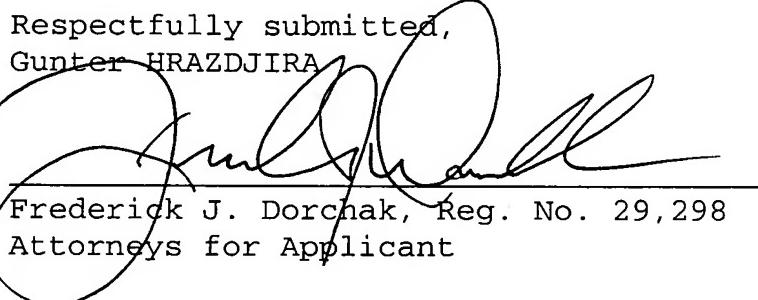
one could realize a certain feature, but whether one skilled in the art would do it based on the teachings of the prior art. As there is no disclosure or suggestion in any of the cited references of such a sales and presentation area having the structure recited in Applicant's claim 1 as amended, it is respectfully submitted that there would be no reason to make the combination as suggested by the Examiner absent hindsight based on the knowledge of Applicant's invention itself.

The remaining reference to *Gilbert*, which has been cited with respect to claim 6, has been considered but is believed to be no more pertinent for the reasons set forth in Applicant's September 5, 2008 Preliminary Amendment in RCE. There is no disclosure or suggestion in *Gilbert* of a sales and presentation region that includes an annular region divided into ring segments able to be moved individually in the vertical direction and set into horizontal rotational movement via drives during use of annular regions by customers as recited in Applicant's claim 1 as amended.

Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 3, 4 and 6, which depend directly or indirectly thereon, are patentable over the cited references.

In summary, claims 1, 3 and 4 have been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
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